IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.10316 OF 2004

Shri Vidyadhar Raghunath Mhatre
(deceased) through LRs-
Smt.Kumudini V.Mhatre & Ors. ...Petitioners.

Vs.

Pukhraj Bhabumal Jain (since
deceased) through Lt.
Jaydeep Pukhraj Jain. ...Respondent.

.....

Ms.Smita Mhatre for the Petitioners.

Mr.P.J.Pawar for the Respondent.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

April 28, 2005.

P.C. :

The application for recission of the contract under Section 28 of the Specific Relief Act, 1963, has been rejected. There is no infirmity in the impugned order dated 10th September 2004. Parties had filed a deed of

compromise in which it was stated that the balance consideration would be paid after the Petitioner herein obtained permission under Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948. This permission is a condition precedent and admittedly the Petitioner has still not obtained the permission. There is no merit in the Petition which is accordingly rejected.

.....